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6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**  
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9 JOHNNY EDWARD HAMILTON,

10 Petitioner,

11 vs.

12 E. K. MCDANIEL, et al.,

13 Respondents.  
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Case No. 3:06-CV-00273-PMP-(VPC)

**ORDER**

15 The United States Court of Appeals for the Ninth Circuit reversed this court's denial  
16 of the first amended petition (#21) and remanded for a determination whether petitioner's counsel  
17 failed to consult with petitioner about a direct appeal from the judgment of conviction. This was  
18 part of the claim in ground 3 of the first amended petition (#21). This court did not consider the  
19 issue whether counsel failed to consult with petitioner about a direct appeal because this court  
20 determined that that part of ground 3 was not exhausted. Order (#41). Further briefing will be  
21 necessary.

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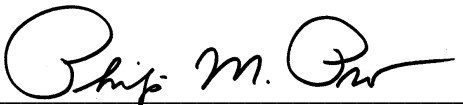
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1                   **IT IS THEREFORE ORDERED** that respondents shall have forty-five (45) days  
2 from the date of entry of this order to file and serve a supplemental answer on the issue of whether  
3 counsel failed to consult with petitioner about a direct appeal from his judgment of conviction.  
4 Petitioner shall have forty-five (45) days from the date of service of the supplemental answer to file  
5 and serve a supplemental reply.

6                   DATED: May 31, 2011.

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9 PHILIP M. PRO  
10 United States District Judge  
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